

your country, to come to the aid of the Iranian youth who are suffering from the most extreme pressures.

The Iranian people are determined to bring democracy and peace to their homeland. Doubtless, a democratic Iran is indispensable to the return of tranquility and lasting peace to the entire Middle East region and the uprooting of terrorism throughout the globe.

I again thank our dear friends, particularly the members of the Committee in Defense of Human Rights in Iran. I hope to soon be your host in the democratic Iran of tomorrow.

### THE FBI DUE PROCESS IMPROVEMENT ACT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 28, 1995*

Mr. WOLF. Mr. Speaker, I have learned some Federal Bureau of Investigation [FBI] special agents are accorded Merit System Protection Board [MSPB] appeal rights and others are not. This discriminatory policy offends traditional notions of fairness and should change. It is not fair that some agents receive MSPB appeal rights while others do not.

Because of my concern about this policy, today I will introduce legislation, the FBI Due Process Improvement Act, a copy of which appears at the end of my statement. This simple legislation would amend 5 U.S.C. § 7511(b)(8) by striking "the Federal Bureau of Investigation," thereby extending certain procedural and appeal rights with respect to certain adverse personnel actions to all employees of the FBI. This legislation corrects the current disparate treatment of nonveteran special agents regarding their ability to appeal adverse personnel actions and ensures the due process rights of all employees of the FBI.

Special agents of the FBI are loyal civil servants dedicated to protecting Americans from the worst kinds of crime. Their jobs are difficult, demanding, and sometimes dangerous. They are often transferred to posts far from home which demands considerable sacrifice by FBI families. FBI agents are on the front line of the fight against crime. They endeavor to reunite mothers and fathers with their kidnapped children; they work to maintain the high integrity of the American political system by investigating public corruption; they protect all Americans from foreign and domestic terrorism; they risk life and limb infiltrating and thwarting the scourge of organized crime; they help keep drugs out of the hands of America's most vulnerable citizens; they investigate white collar crime, pornography, and a host of countless other Federal criminal offenses. In short, FBI agents are the often unseen but indispensable protectors of tranquility and freedom within the United States. The FBI motto—fidelity, bravery, and integrity—accurately characterizes the manner in which agents approach their important work.

These duties are performed by all agents, veteran and nonveteran alike. However, these two categories of agents receive disparate treatment when charged with misconduct. Military veterans are permitted full due process rights including the ability to appeal adverse personnel actions to the MSPB. In other words, veteran agents, who are in the excepted service, receive the same due process

rights that employees in the competitive service receive. Nonveteran agents, also members of the excepted service, do not. This means that a veteran agent will receive an outside, independent, objective review of his/her case while a nonveteran agent will not. Is this fair? I maintain that it is not. Furthermore, female special agents are particularly hit hard by this policy because few have served in the military; thus they are not eligible to receive the MSPB appeal rights that veteran agents, who are predominantly men, do. Also, FBI agents should have the same MSPB appeal rights as Federal law enforcement agents who work for the Bureau of Alcohol, Tobacco and Firearms, Drug Enforcement Administration, Customs Service, and Border Patrol.

The Congress should eliminate this discriminatory policy because it serves no rational or useful purpose. The Congress should have rectified this disparity in 1990 when it enacted legislation (P.L. 101-376) which granted appeal rights to members of the excepted service affected by adverse personnel actions. The Committee on Post Office and Civil Service, in its report on the bill (H. Rept. 101-328), preserved the disparate treatment between preference eligible veteran agents and other agents because of the FBI's "sensitive mission." However, this conclusion was not supported by any concrete examples about how MSPB appeal rights would adversely affect the FBI's sensitive mission. In fact, if the denial of MSPB appeal rights is so vital to the sensitive mission of the FBI, the prudent course would have been to deny those rights to all agents, including preference eligible agents. Obviously, the grant of MSPB rights to all agents would not adversely impact the FBI's mission. The Bureau has long experience with the MSPB process used by its preference eligible agents, and there have been no reports of abuse of the system. Furthermore, there is no evidence that it has compromised the FBI's sensitive mission.

Mr. Speaker, there is no reason to maintain the distinction between preference eligible veteran and nonveteran agents. All agents, whether veterans or not, should be treated in a fair and equitable manner. As I have already stated, the FBI has considerable experience with the MSPB process available to veteran agents. I am not aware that there has been any particular abuse of the MSPB process by preference eligible agents. Likewise, I do not anticipate that expansion of MSPB rights to all agents would be burdensome on the FBI. There is no room in the modern FBI for discriminatory personnel policies; therefore, nonveteran agents should receive all the rights and enjoy all the privileges accorded to their preference eligible veteran counterparts.

Mr. Speaker, I urge our colleagues to co-sponsor this important legislation. I also urge Congressman MICA, chairman of the House Civil Service Subcommittee, to move this legislation as expeditiously as possible. Finally, I ask unanimous consent to include a copy of this bill and a letter from the FBI Agents' Association in support of this legislation in the record immediately following my statement.

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Due Process for FBI Agents Act".

#### SEC. 2. EXTENSION OF RIGHTS.

Section 7511(b)(8) of title 5, United States Code, is amended by striking "the Federal Bureau of Investigation,".

#### SEC. 3. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to any personnel action taking effect after the end of the 45-day period beginning on the date of the enactment of this Act.

FEDERAL BUREAU OF INVESTIGATION  
AGENTS ASSOCIATION,

*New Rochelle, NY, November 28, 1995.*

Hon. Frank R. Wolf,

House of Representatives, 241 Cannon House  
Office Building, Washington, DC.

Re Due Process For FBI Agents Act.

DEAR CONGRESSMAN WOLF: This letter is to inform you that I have reviewed and the FBI Agents Association fully and enthusiastically supports your bill, the "Due Process For FBI Agents Act."

It is time to end all vestiges of disparate treatment by extending MSPB rights to all FBI agents.

Thank you for your willingness to take the lead on this most important matter.

Very truly yours,

ED BETHUNE,  
General Counsel.

### TRIBUTE TO BARBARA KERCHEVAL

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 28, 1995*

Mrs. MEEK of Florida. Mr. Speaker, I take this privilege of paying homage to a distinguished colleague of mine, Barbara Kercheval, who came to make a name for herself at Miami-Dade Community College, north campus, some 32 years ago. A very articulate go-getter, Ms. Kercheval came to the college, armed with an array of excellent academic background and heady recommendations from the University of West Virginia. Barbara's father, the well-known Dr. Kercheval, was a mainstay of the West Virginia football team for many long years.

Serving first as a departmental advisor, she came to be known on campus as the caring counselor who made it her duty and obligation to ensure that students were given the best advice possible in juggling their academic schedules to achieve timely excellent grades in the midst of their work outside the campus. For this effort she has been recognized by many professional organizations, which saw to it that Barbara's crucial and excellent contributions to the academic achievement of the students under her tutelage did not go unnoticed.

She also served as faculty advisor to the Alpha Chapter of Sigma Delta, taking her student-athletes to compete in various intercollegiate athletic events. She is known primarily as a first aid course consultant extraordinaire for many years, setting high standards for students training in cardiopulmonary resuscitation techniques. She later became the supervisor for the Campus' CPR teacher training program and developed the recertification procedure for all personnel in the division.

For over 20 years Barbara represented her department as faculty senator, serving as a